

S.B. Cr. Bail Application No. 5179/2007
(Ratan Singh Gehlot Vs. State of Rajasthan)

Date of order : 20.11.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. V.S.Choudhary for the petitioner.

Mr. Ashok Upadhyay, P.P.

Mr. O.P.Mehta for the first-informant-complainant.

Heard learned counsel for the petitioner and public prosecutor for the State as also the counsel appearing for the first-informant complainant. Perused the order impugned.

It is contended by learned counsel for the petitioner that if at all there is any dispute, it is a civil dispute and it is always open for the first-informant to go for a civil suit if he is aggrieved by violation of the condition of sale deed.

Learned public prosecutor and the counsel appearing for the first-informant contended that prima-facie there is strong evidence for construing the offence of cheating punishable under Section 420 IPC. The property in question which was sold to the first informant had been mortgaged by deposit of documents with the Vijay Bank and there was dues over one crore and ultimately the bank filed the suit and suit has been decreed in an appeal by the High Court against the petitioner and the property which alleged to have been sold by the registered sale deed is being put to auction by the bank as ultimately the petitioner lost in a suit and thus there is all essential ingredients of the elements of cheating in the instant case.

On careful perusal of the sale deed, it appears that the petitioner knowing it well that the property has been

mortgaged by him, yet he has deliberately concealed this fact in the sale deed and thus there is element of intention of deceitful and fraudulent cheating. In the circumstances, therefore, it is not a fit case to release the petitioner on anticipatory bail. The bail application filed by the petitioner under Section 438 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

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